

# EXHIBIT R

**2005**

**SESSION LAWS**

OF THE

**STATE OF WASHINGTON**

REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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(3) The county auditor or the county canvassing board shall respond to the review report in writing, listing the steps that will be taken to correct any problems listed in the report. The secretary of state shall visit the county before the next state primary or general election to verify that the county has taken the steps they listed to correct the problems noted in the report.

(4) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29A.04.510.

Passed by the House March 15, 2005.

Passed by the Senate April 12, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.

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## CHAPTER 241

[Substitute House Bill 1754]

### ELECTIONS—VOTE BY MAIL

AN ACT Relating to mail ballot elections; amending RCW 29A.48.010; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1.** RCW 29A.48.010 and 2004 c 266 s 14 are each amended to read as follows:

(1) With express authorization from the county legislative authority, the county auditor may conduct all primary, special, and general elections entirely by mail ballot. The county legislative authority must give the county auditor at least ninety days' notice before the first election to be conducted entirely by mail ballot. If the county legislative authority and the county auditor decide to return to a polling place election environment, the county legislative authority must give the county auditor at least one hundred eighty days' notice before the first election to be conducted using polling places. Authorization under this subsection must apply to all primary, special, and general elections conducted by the county auditor.

(2) The county auditor may designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29A.08.140 as a mail ballot precinct. ~~((The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only.))~~ Authorization from the county legislative authority is not required to designate a precinct as a mail ballot precinct under this subsection. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29A.60.230.

(3) The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting will be by mail ballot only. The auditor shall mail each active voter a ballot at least eighteen days before a primary, general election, or special election. The auditor shall send each inactive voter

either a ballot or an application to receive a ballot at least eighteen days before a primary, general election, or special election. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active. The requirements regarding certification, reporting, and the mailing of overseas and military ballots in RCW ((29.36.270)) 29A.40.070 apply to elections conducted by mail ballot ((precincts)).

((4) If the ((precinct exceeds two hundred registered voters, or the)) county legislative authority and county auditor determine under subsection (1) of this section, or if the county auditor determines under subsection (2) of this section, to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

**NEW SECTION. Sec. 2.** The secretary of state shall evaluate available technologies to allow voters the ability to conveniently determine if their mail ballots were received and counted by their county auditor. No later than December 31, 2006, the secretary of state shall submit a report to the legislature outlining available mail ballot tracking technology. The report must include the secretary of state's recommendations on whether such technology should be implemented, and if so, how.

Passed by the House April 20, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.

## CHAPTER 242

[Engrossed Substitute Senate Bill 5395]

### ELECTIONS—ELECTRONIC VOTING—PAPER RECORDS

AN ACT Relating to requiring electronic voting devices to produce paper records; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION. Sec. 1.** A new section is added to chapter 29A.12 RCW to read as follows:

Beginning on January 1, 2006, all electronic voting devices must produce a paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. This record may not be removed from the polling place, and must be human readable without an interface and machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter. Rejected records must either be destroyed or marked in order to clearly identify the record as rejected.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.44 RCW to read as follows: